IN THE HIGH COURT OF JUDICATURE
FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.8494/2007.

Om Prakash Yadav
Vs.
Executive Officer, Municipal Board, Jhalrapatan,
District Jhalawar & Anr.

Date of order : 11/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Shyam Lal Sharma for the petitioner.

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BY THE COURT:-

Heard learned counsel for the petitioner.

2) The petitioner has challenged the order dated 6/9/2007 passed by the learned District Judge, Jhalawar whereby his appeal was rejected upholding the order dated 21/8/2007 passed by the learned Civil Judge (Junior Division) Jhalawar rejecting his temporary injunction application filed along with the suit under Order 39 Rules 1 and 2 CPC.

3) Learned counsel for the petitioner has argued that petitioner has applied for issuance of regularization of possession over the plot which the petitioner purchased from Madan Lal in the year 1988.

4) Having heard learned counsel for the petitioner and perused the impugned-orders, I find that both the courts below have concurrently recorded that the petitioner could not prove his title over the land in dispute inasmuch as, any facilities (toilet) was being constructed by the Municipal Board, Jhalawar for use of common people over the land owned by Municipality. The character of the petitioner was merely that of trespasser.

5) On perusal of the impugned-order passed by the learned District Judge, Jhalawar, it would be evident that the case was sought to be established on the basis of the affidavit executed on a Non-Judicial Stamp of Rs.5/- on 11/11/1991. Such a document can hardly effect

transfer of any title. Moreover, petitioner could not prove as to what title Madan Lal had. The orders passed by the courts below are not only speaking but also considered one.

6) I do not find any error in either of the orders passed by the courts below inasmuch as, as may warrant interference by this Court.

The writ petition is therefore dismissed being devoid of any merit.

(MOHAMMAD RAFIQ), J.

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